

STATE OF KANSAS

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GOVERNOR LAURA KELLY

March 15, 2023

Mr. William Bates
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
MC 4606M
Washington D.C. 20460

RE: State of Kansas Application for UIC Class VI Program Primacy

Dear Mr. Bates:

The State of Kansas intends to apply under 40 CFR Part 145 for primacy to administer the Underground Injection Control (UIC) Class VI Program under Part C of the Federal Safe Drinking Water Act.

Kansas has existing primacy over the various classes of the UIC program, with the Kansas Department of Health and Environment (KDHE) administering the UIC programs for Class I, III, and V operations and the Kansas Corporation Commission (KCC) administering the UIC Class II program. The Kansas Carbon Dioxide Reduction Act (KCDRA), K.S.A. 55-1636, et seq., provides the KCC with the legal underpinning of authority to implement and enforce the required provisions for Class VI program primacy.

While the Kansas act predates the current Federal regulations pertaining to UIC Class VI, legislation is being considered by the Kansas Legislature to update the KCDRA and align it with Federal expectations. Under consideration is possible roles for KDHE to jointly administer the UIC Class VI program with the KCC as is done with our efforts to utilize salt storage for Compressed Air Energy Storage. Pending any changes to the KCDRA, the KCC will take the lead to establish any additional regulations necessary to assume primacy of the UIC Class VI program.

The KCC will work with KDHE and my office to complete and submit the application for Class VI primacy. The State of Kansas and the KCC will require and hereby request the financial assistance stated in the January 18, 2023, letter from Administrator Regan, as provided by the Infrastructure Investment and Jobs Act for States to meet the expenses related to establishing and operating the UIC Class VI program. The State of Kansas stands ready to take the appropriate measures and steps necessary to obtain funding and begin the application process for assuming primacy of the UIC Class VI program. We look forward to working with you during the application process.

If you need additional information, the KDHE and the KCC are available to assist. Please contact Tom Stiles, Bureau Director for the Bureau of Water with the Kansas Department of Health and Environment, at tom.stiles@kdhe.ks.gov.

Respectfully,

A handwritten signature in blue ink, appearing to read "Laura Kelly", is written over a horizontal line.

Laura Kelly
Governor of Kansas